IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 105 OF 2007
IN
REVIEW PETITION ST. NO. 30005 OF 2006
WITH
CIVIL APPLICATION ST. NO 29902 OF 2006
IN

WRIT PETITION NO. 3816 OF 2005

Maharashtra State Social
Welfare Advisory Board & ors..... Petitioner

versus

Smt. Anita Babu Kamble .... Respondent.

Mr. M.I.Sethna with A.M. Sethna with S.D.Bhosale for the petitioner.

Mr. Parmar with R.B.Salve & Vijay S.G. for respondent.

Shri V.S. Gharat AGP for State.

CORAM; A.P. DESHPANDE, &
S.J. VAZIFDAR, JJ.

DATED; 7TH FEBRUARY, 2007

P.C.;

1. Present Review Petition seeks review of the order dated 5th July 2005 passed in W.P. 3816 of 2005 mainly on the ground that the order was passed on an incorrect factual premise. Perusal of the order reveals that the court was carrying an impression that the order of dismissal which was impugned in the said writ petition was appealable and the petitioner had infact preferred an appeal against the same. In this view of the matter, petitioner was permitted to

withdraw the writ petition with liberty to agitate all the points in the appeal which was pending before the board. Thereafter it has transpired that the rules on the basis of which the parties had made statement before the court that the impugned order was appealable before the board were the draft rules and as a matter of fact there was no appellate authority in law to consider the appeal. Hence review of the order dated 5th July 2005 is sought.

2. Both the learned advocate appearing for the respective parties are in agreement that till date there is no appellate authority in existence and hence the writ petition needs to be considered by this court on merit,after recalling the order dated 5th July 2005. In this view of the matter, we recall the order dated 5th July 2005. Civil Application is accordingly allowed.

3. The Registry is directed to list the writ petition no. 3816 of 2005 for admission before appropriate Bench.

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